

Glenda Wiles

From: PAUL & PAM EDWARDS [paule65@msn.com]
Sent: Thursday, December 25, 2008 1:45 PM
To: David Ohnstad
Cc: Glenda Wiles; paule65@msn.com
Subject: Re: Your Snow Plow Truck Driver Illegally destroyed my Mail Box!!!

Thank you for responding to me with information, however self-serving and negative it might be!

First, after all the years that I have been watching the traffic flowing past my home, I can certainly tell which ones are crawling and those who are really "Flying Low", including your snow plow driver! Of course, I do understand that it is not in your driver's best interests to admit the true speed he actually was driving past my property yesterday!

Further, your protective, selfserving claim that it requires actual physical contact by the plow truck before your department and it's drivers assume any liability for thier actions would be amusing, except that it appears to be simply a fabrication in order to shield yourself and your employees from answering for the manner in which they conduct their official duties.

I will require a written copy of whatever Law, Rule, Regulation, Court Decision, or Other Legal Citation that you claim excludes your operators from liability for the way in which they perform their duties. Ater all, the snow is an inert blanket, although dense and heavy (Frozen Water) that simply lays there, doing nothing and harming nobody, until some external force, such as a plow truck, comes along to pick it up and propel it with enough force to cause damage or harm!

Paul F. Edwards

----- Original Message -----

From: David Ohnstad
To: Glenda Wiles ; PAUL & PAM EDWARDS
Cc: Commissioners Department
Sent: Wednesday, December 24, 2008 9:11 AM
Subject: RE: Your Snow Plow Truck Driver Illegally destroyed my Mail Box!!!

The operator of the equipment on Three Mile Creek Road advises that he was operating yesterday in 6th gear which would produce a speed of approximately 25 to 30 miles-per-hour, which would be typical of the speed considered effective and reasonable for the type of work he was engaged in (clearing the roadway shoulder). This is a very experienced, dedicated, conscientious and skilled operator whose validity and honesty I can not, and will not, question. I do not diminish the claimant's concern but can not validate the suggestion of inappropriate or unreasonable operation.

The adopted policy on Winter Roadway Operations clearly addresses potential damage to mailboxes and other personal property. Mailboxes are a permitable encroachment into the roadway easement provided they are properly designed, located and constructed. In the event such properly designed, located and constructed receptacle is damaged by **actual physical contact** with the county's equipment, the Road & Bridge Department will investigate such claim and provide remedy as determined to be reasonable. It does not appear that such is the claim.

The process of moving snow from the driving surface and roadway shoulder to the edge of the roadway can produce a potentially significant impact. A properly designed, located and constructed mail receptacle should be able to sustain that impact without significant damage.

Please contact me directly at 363 - 2733 should there be further question.

12/26/2008

DAVID H. OHNSTAD
COUNTY ROAD SUPERVISOR
RAVALLI COUNTY, MONTANA

From: Glenda Wiles
Sent: Tuesday, December 23, 2008 3:23 PM
To: PAUL & PAM EDWARDS
Cc: David Ohnstad; Commissioners Department
Subject: RE: Your Snow Plow Truck Driver Illegally destroyed my Mail Box!!!
Importance: High

Mr. Edwards, thank you for your email. I have forwarded this email to Road Supervisor David Ohnstad who will contact you in reference to your complaint. If you do not hear from him, please feel free to re-contact the Commissioners Office at this email or our phone, 375-6500. Glenda Wiles – Administrative Assistant to the Commissioners

From: PAUL & PAM EDWARDS [mailto:paule65@msn.com]
Sent: Tuesday, December 23, 2008 3:11 PM
To: Glenda Wiles
Cc: paule65@msn.com
Subject: Your Snow Plow Truck Driver Illegally destroyed my Mail Box!!!

My name is Paul Edwards. I live at 1170 Three Mile Creek Road and have been resident in Ravalli county over eighteen years.

At about 1230 hours today, Dec. 23, 2008, I was sitting in my living room watching for the arrival of the Mail Delivery person when I observed a Ravalli County snow plow truck approaching on it's return run down Three Mile Creek Road to the south (west) at an excessive rate of speed, at least 40 to 50 miles per hour, dragging with it an emense wall of flying snow.

When it passed in front of my house, everything was enveloped in a white cloud, and when it passed, I could see my mail box laying on it's side, horizontally, in the snow!

Now, my question is; are you all going to send someone out here to examine the damage and repair or replace my my box?

If not, I intend to hire someone to do the repairs (I'm 73 yoa and disabled), and present you with the bill for payment!

If you refuse to pay for the damage your employee has caused in the performance of his official duties, I will instruct my attorney to take you into court and sue you for the negligent and wanton distruction of personal property under color of law exceeding your authority to do so in the official conduct of his duties!!

Paul F. Edwards (406) 880-1002

12/26/2008